

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM No.M-25529 of 2016 (O&M)

Date of decision: 03.08.2016

Balkar Singh @ Bagga

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. S.S. Gill, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana
assisted by ASI Rajender Singh.

Jitendra Chauhan, J. (Oral)

By filing the present petition, under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No. 782 dated 16.10.2015, registered under Section 17 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station Sirsa City, District Sirsa.

Learned counsel for the petitioner states that the quantity allegedly recovered from the petitioner i.e. 2.5 kg of opium is non-commercial. The co-accused Sanjay Kumar @ Sanju has already been admitted to bail by this Court. The petitioner is in custody since 16.10.2015.

On the other hand, learned State counsel refers to the

table attached to the NDPS Act and states that the quantity effected from the petitioner falls under 'commercial quantity'.

I have heard learned counsel for the parties and perused the record.

Whether the quantity is commercial or not is a debatable issue which shall be determined by the trial Court. Similarly situated co-accused Sanjay Kumar @ Sanju has already been released on bail. The petitioner is in custody since 16.10.2015. Out of 15 witnesses, only 03 witnesses have so far been examined, therefore, it can safely be inferred that the trial is not likely to be concluded in the near future, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

03.08.2016
sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No